8732605/2024/VIG-IV-REV01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Prohibition and Excise Department – Allegations of Misconduct against Sri Y.B.Bhaskara Rao, P&E Supdt., Kothagudem along with other Prohibition & Excise Ofcials of Kothagudem, Khammam District in issuing licences during the year 2010 violating the provisions of A.P.Excise Acts and Rules – Placed on their defence before COI - Disciplinary Proceedings initiated against Sri Y.B.Bhaskara Rao, Former P&E Supdt., Kothagudem - Inquiry conducted - Inquiry report communicated to Charged Officer – Representation received – Show cause Notice issued – Representation received - Imposition of penalty of withholding of three percent (3%) of monthly pension for a period of fve (5) years against Sri Y.B.Bhaskara Rao, Former P&E Supdt., Kothagudem and Retired as Dy. Commr, P&E Dept., Vizianagaram, A.P. – Orders – Issued.

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REVENUE (VIGILANCE.IV) DEPARTMENT

G.O.Rt.No.346 **Dated: 26-03-2024**

Read the following:-

1. From the DG, ACB, Hyd., Lr.Rc.No.47/RCO-WKH/2012, dt.17.11.2012.
2. G.O.Rt.No.488 Revenue (Vig.V) Dept., dated 27.03.2012.
3. Govt.Memo.No.12888/Vig.V(2)/2012-1, dt:16.01.2013.
4. From DG, ACB, Hyd., Lr.Rc.No.47/RCO-WKH/2012, dt.29.4.2013.
5. G.O.Rt.No.695, Revenue (Vig.V) Department, dated:24.05.2013
6. The Prl.Secy., Revenue (Vig.II) Department, Telangana State Secretariat, Hyderabadad Letter No.12888/Vig.II(2) -13, dated:19.01.2019 along with its enclosures.
7. Govt.Memo.No. CPEOCPE (ACBC)/3/2019-Vig.IV-Rev, dated: 13.06.2019 and 22.08.2019.
8. From Sri Y.B.Bhaskara Rao, Retired P&E Dy.Commr, representations dated 16.07.2019, 23.09.2019 and 19.12.2019.
9. Hon'ble High Court Interim orders in W.P.No.189/2020, dated 07.01.2021 filed by Sri Y.B.Bhaskara Rao, Retd Dy.Commr., P&E Dept.,
10. Hon'ble High Court Order in IA No.1 of 2021 in W.P.No.8672 of 2021 filed by Sri Y.B.Bhaskara Rao, Dy.Commr, P&E Dept.,(Retd.)
11. Contempt Case No.1203 of 2021 in orders dated 23.04.2021 in W.P.No.8672/2021 filed Sri Y.B.Bhaskara Rao, Dy.Commr, P&E Dept., (Retd).
12. Hon'ble High Court orders dated 14.12.2022 in W.P.No. 189/2020.
13. From Sri Y.B.Bhaskara Rao, Dy.Commr, P&E Dept., (Retired) representation Dated: 22.05.2023 along with orders dated:14.12.2022 of Hon'ble High court in WP.No.189/2020.
14. Govt.Memo.No.Rev-01-CPEOCPEV (ACBC)/3/2019-Vig.IV, Dated: 22-01- 2024.(Show-cause Notice)
15. From Sri Y.B.Bhaskara Rao, Retd P&E Dy.Commr, representation dated 09.02.2024.

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(PTO)

ORDER:

Whereas it was brought to the notice of the Government that the ACB authorities have registered a case in Cr.No.9/ACB-WKH/2012 on the allegations of misconduct against Sri Y.B.Bhaskara Rao, formerly Excise Superintendent, Kothagudem and Retired as P&E DC, Vizianagaram District, A.P., along with other P&E ofcials of Kothagudem, Khammam District in issuing licences during the year 2010 violating the provisions of A.P.Excise Acts and Rules. The Accused Officers have placed under suspension and subsequently reinstated into service. The DG, ACB has recommended to prosecute the AO-1 Sri Y.B. Bhaskar Rao, AC and former P&E Superintendent, Kothagudem, Khammam District and AO-2 Sri S. Harikrishna Swamy, Asst. P&E Superintendent, Kothagudem, Khammam District in the court of law and place the AOs 3 to 9 on their defence before COI. Whereas the Government have placed all the AOs on their defence before COI. In the reference 5th read above, the Article of Charges were issued to Sri Y.B.Bhaskar Rao, formerly P&E Supdt., Kothagudem, Khammam district and directed him to submit his WSD.

2. Whereas due to bifurcation of the State of Andhra Pradesh, the above disciplinary case was transferred to Telangana Secretariat to take further course of action in the above disciplinary case as it pertains to Kothagudem, Khammam district, which is in Telangana State. Whereas Sri Y.B.Bhaskara Rao had been allotted to the State of Andhra Pradesh and retired thereon 30.06.2020.

3. And whereas in the reference 6th read above, the Prl.Secy., Rev. (Vig.II) Dept., Telangana State has informed that the Charged Officer Sri Y.B.Bhaskar Rao, formerly P&E Supdt., Kothagudem, Khammam district was submitted his WSD dated 21.01.2016 and as it was not convincing, they have initiated common disciplinary proceedings against Sri Y.B.Bhaskar Rao, formerly P&E Supdt., Kothagudem, and (7) others under Rule 24 of Andhra Pradesh Civil Services (CC &A) Rules, 1991 vide G.O.Ms.No.60, Revenue (Vig.II) Department, dated 04.04.2016 and appointed Sri C.Sammi Reddy, COI, Telangana State, General Administration (COI.AS) Department as Inquiring Authority to conduct inquiry into the charges against Sri Y.B.Bhaskar Rao, formerly P&E Supdt., Kothagudem, Khammam District and (7) other P&E offcials vide G.O.Rt.No.310 Revenue (Vig.II) Department, dated 04.07.2013. The Inquiring Authority/COI has submitted Inquiry Report and in respect of Sri Y.B.Bhaskar Rao, former P&E Superintendent, Kothagudem, the IA has reported that the charge framed against him is held proved. While enclosing the above inquiry report along with relevant material in respect of Sri Y.B.Bhaskar Rao, former P&E Superintendent, Kothagudem (CO-1), has requested the Govt. of AP i.e., Revenue (Vig.IV) Dept., to take further necessary action in the matter and intimate the fnal result to the Government of Telangana.

4. Accordingly, the Government after examining the matter have communicated a copy of inquiry report to Sri Y.B.Bhaskara Rao, who allotted to AP and retired as Dy.Commr, P&E Dept., Vizianagaram with a direction to submit his written representation if any, in the reference 7th read above.

(PTO)

5. In the reference 8th read above Sri Y.B.Bhaskar Rao, Dy.Commr., P&E Dept., Vizianagaram (former P&E Superintendent, Kothagudem, Khammam District) has submitted representations and requested to exonerate him from the charges.

6. Whereas Sri Y.B.Bhaskara Rao, Dy.Commr., P&E Dept., has challenged the Govt Memos dated 13.06.2019 and 22.08.2019 before the Hon'ble High Court in W.P.No.189/2020. The Hon'ble High Court in its interim orders dated 07.01.2020 has made following:

> "As the State of Telangana ceased to have jurisdiction to initiate proceedings against the petitioner, prima-facie enquiry conducted by the State of Telangana does not have any legs to stand. In view of the same, there shall be stay of all proceedings pursuant to the Government Memos dated 18.06.2019 and 22.08.2019, pending disposal of the Writ Petition."

7. Sri Y.B.Bhaskara Rao, Dy.Commr., P&E Dept., in his representation dated 17.01.2020 has requested the Government to take necessary action in accordance with the above Court orders dated 07.01.2020 in W.P.No.189/2020. The Government have filed counter afdavit in the above writ petition.

8. Whereas Sri Y.B.Bhaskara Rao, Retired Dy.Commr., P&E Dept., has filed another W.P.No.8672 of 2021 in the Hon'ble High Court for pensionary benefts. The Hon'ble High Court in IA No.1 of 2021, dated 03.04.2021 has directed the respondent-1 (i.e. the Special Chief Secretary, Revenue (CT,Excise,R&S) Department) to consider the representation made by the petitioner on 06.01.2021, strictly in accordance with law. Further, he has filed Contempt Case No.1203 of 2021 for nonimplementation of above orders dated 23.04.2021 in W.P.No.8672/2021. The Government have filed counter afdavit in the above said writ petition No.8672/2021 and same is pending for adjudication.

9. And whereas in the reference 12th read above, the Hon'ble High Court has passed Judgment in W.P.No.189/2020, dated 14.12.2022 is as follows (operative portion):

> "Directing the respondent-authorities to consider and pass appropriate orders on the explanation submitted by the petitioner in accordance with law by considering the following documents and after giving opportunity of hearing to the petitioner herein:
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> (1) Circular Memo No.27021/1/2018/Ser-c/18-1, dated 20.04.2018;
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> (2) In the order in F.No.29/09/2016-SR-(S) , Government of India, Ministry of Personnel, PG and Pension, Department of Personnel and training, Order No.28(6)/2016, through which proceedings, the petitioner was allotted to the State of AP;
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> (3) G.O.Ms.No.60, Revenue (Vig.II) Department, dt.04.04.2016 and
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> (4) The Judgment of Hon'ble Supreme Court in the case of State of Bihar Vs Ashok Kumar Singh (2014) 13 SCC 81.

(PTO)

8732605/2024/VIG-IV-REV01

10. In the reference 13th read above, while enclosing the above court orders, Sri Y.B.Bhaskara Rao, Retd P&E DC has requested the Government to release pension and all the pensionery benefts.

11. Government after careful examination of the matter, have provisionally decided to impose a penalty of withholding of three percent (3%) monthly pension for a period of fve (5) years against Sri Y.B.Bhaskar Rao, Dy.Commr. P&E Dept, Vizianagaram (Retired) (former P&E Superintendent, Kothagudem) as charge is held proved in terms of Rule 9 of Andhra Pradesh Revised Pension Rules,1980.

12. Accordingly, a show cause notice was issued to Sri Y.B.Bhaskara Rao, Retired P&E Dy.Commr, with a direction to submit his representation if any to the Government in the matter in the reference 14th read above.

13. Whereas in the reference 15th read above, Sri Y.B.Bhaskara Rao, Retired P&E Dy.Commr, has submitted a written representation and requested to drop proposed action mentioned in the show cause notice and issue orders to release full pension and pensionary benefts without any cuts.

14. Government after careful examination of the matter hereby impose a penalty of withholding of three percent (3%) of monthly pension for a period of fve (5) years against Sri Y.B.Bhaskara Rao, Dy.Commr, P&E Dept., Vizianagaram (Retired) (formerly P&E Supdt., Kothagudem, Khammam district) under rule 9 of Andhra Pradesh Revised Pension Rules, 1980.

15. The Commissioner of Prohibition & Excise, Andhra Pradesh, shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. RAJAT BHARGAVA
SPECIAL CHIEF SECREATARY TO GOVERNEMENT

To
Sri Y.B.Bhaskara Rao, Retired P&E Dy.Commr, through the Commissioner, Prohibition and Excise Department, Andhra Pradesh, Vijayawada.
The Commissioner, Prohibition and Excise Department, Andhra Pradesh, Vijayawada.
The Deputy Commissioner of Prohibition & Excise, Vizianagaram.
Copy to:
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, A.P.Secretariat, Velagapudi.
The Principal Secretary to Govt, Revenue (Vig.II) Dept., Telangana Secretariat, Hyderabad.
The Director General, Anti-Corruption Bureau, Andhra Pradesh, Vijayawada.
Sf/Sc.

//FORWARDED:: BY ORDER//

SECTION OFFICE